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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/637,885	08/08/2003	Hitoshi Yasuda	1232-5106	2521
27123 7590 11/19/2007 MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER GILES, NICHOLAS G	
			ART UNIT 2622	PAPER NUMBER
			NOTIFICATION DATE 11/19/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOPatentCommunications@Morganfinnegan.com  
Shopkins@Morganfinnegan.com  
jmedina@Morganfinnegan.com

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/637,885		YASUDA, HITOSHI	
	<b>Examiner</b>		<b>Art Unit</b>	
	Nicholas G. Giles		2622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4 and 7-9 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 5 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Specification*

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims **1, 4, and 7-9** are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki et al. (U.S. Patent No. 5,751,354).

Regarding claim 1, Suzuki et al. discloses:

A focus adjustment apparatus, which attains focus adjustment by extracting, as a focal point voltage, a predetermined frequency component of a video signal obtained from an image sensor upon sensing an image of an object (extracting high frequency using HPF 12:35-47), and moving a focus adjustment member in an optical axis direction using a moving unit to maximize the focal point voltage, comprising: a detector that detects two input states including a first input state (first stroke S1 Fig. 14 and

17:23-35), and a second input state which is set via the first input state (second stroke S5 Fig. 14 and 17:23-35); and a controller that executes focus adjustment control for the first input state upon detection of the first input state (start timer S30 which occurs after first stroke Fig 14 and 17:23-35), and selectively enables or disables the focus adjustment control for the first input state in accordance with a time elapsed from detection of the first input state until detection of the second input state, upon detection of the second input state (Fig. 14 and 17:23-35, if  $t \geq t_0$  then S3 only occurs once and photography is carried out (disable), otherwise if  $t < t_0$  S3 can be repeated (enable)).

Regarding claim 4, Suzuki et al. discloses:

A focus adjustment method, which attains focus adjustment by extracting, as a focal point voltage, a predetermined frequency component of a video signal obtained from an image sensor upon sensing an image of an object (extracting high frequency using HPF 12:35-47), and moving a focus adjustment member in an optical axis direction using a moving unit to maximize the focal point voltage, comprising: monitoring a first input state (first stroke S1 Fig. 14 and 17:23-35) of an input unit which can input two input states including the first input state, and a second input state which is set via the first input state (second stroke S5 Fig. 14 and 17:23-35); executing focus adjustment control for the first input state upon detection of the first input state (start timer S30 which occurs after first

stroke Fig 14 and 17:23-35); monitoring the second input state; and selectively enabling or disabling the focus adjustment control for the first input state in accordance with a time elapsed from detection of the first input state until detection of the second input state, upon detection of the second input state (Fig. 14 and 17:23-35, if  $t \geq t_0$  then S3 only occurs once and photography is carried out (disable), otherwise if  $t < t_0$  S3 can be repeated (enable)).

Regarding claim 7, see the rejection of claim 1 and note that Suzuki et al. further discloses:

Image sensor that senses an image of an object and outputs an image signal (image sensing device 4 Fig. 1).

Regarding claim 8, see the rejection of claim 4 and note that Suzuki et al. further discloses that the focus method is in an image sensing apparatus in 9:63-10:2.

Regarding claim 9, see the rejection of claim 4 and note that Suzuki et al. further discloses a storage medium readable by a data processing apparatus (image sensing device 4 Fig. 1), said storage storing a program which is executable by the data processing apparatus and comprises program codes realizing the image processing method described in claim 4 (storage medium readable by device is inherent for the device to operate as a digital camera).

***Allowable Subject Matter***

4. Claims 2, 3, 5, and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 2, no prior art could be located that teaches or fairly suggests the limitations of claim 1 where the position of the focus lens is saved when the first input state is detected and carries out focus adjustment, and moves the focus lens to the saved position when a predetermined period of time has not elapsed between the first input state and second input state in combination with the rest of the limitations of the claim.

Regarding claim 3, this claim depends on claim 2 and therefore is objected to.

Regarding claim 5, this claim is objected to for the same reasons as claim 2.

Regarding claim 6, this claim depends on claim 5 and therefore is objected to.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7,184,090 Wantanabe et al. – focusing after half press and timer for focus restart

2004/0263633 Shinohara et al. – different focusing operations based on time between half and full press

7,158,182 – Wantanabe et al. – focusing after half press and timer for focus restart


5,502,485 Suzuki – half press focusing and quitting on timeout

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas G. Giles whose telephone number is (571) 272-2824. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7273. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NGG



LIN YE  
SUPERVISORY PATENT EXAMINER